

## INSTRUCTIONS FOR COMPLETING FORMS:

### Complaint and Summons

To file your lawsuit you must complete the forms Complaint and Summons. Please print neatly. If your forms are not legible or incomplete the clerk of the justice court will not accept them for filing.

Line entries numbers 1 through 11 of the complaint must be completed before your complaint can be filed with the justice court. Please read the instruction for the line entry of each form. Then fill in the correct information for that entry.

#### Line Entries for all Forms

- [1] Print the name, address and telephone number of the party who is suing on the lines provided. This person is called the plaintiff. If the plaintiff is a corporation, partnership, company, or association the complaint must be filed through an attorney. Read the handout entitled "Representation in Justice Court".
- [2] Print the name, address and telephone number of the party who is being sued on the lines provided. This person is called the defendant.

#### Line Entries for Complaint

- [3] Check the box which best describes the plaintiff, i.e. "an individual over age 18", "an individual under age 18", "a partnership", or "a corporation". If the individual is sole proprietor doing business print in the name and address of the business if it is different from the name and address in item 1. If the individual is under the age of 18 you will need a guardian ad litem appointed before you can proceed with your case.
- [4] Check the box which best describes the defendant, i.e. "an individual over age 18", "an individual under age 18", "a partnership", or "a corporation". If the individual is sole proprietor doing business

print in the name and address of the business if it is different from the name and address in item 2. If the individual is under the age of 18 you will need a guardian ad litem appointed before you can proceed with your case.

- [5] Print the date the disputed claim or damages happened. For example, the date the money was borrowed, note signed, goods purchased, property borrowed or received or accident occurred.
- [6] Explain the reason for the claim. Include what happened to cause the dispute. Attach additional sheet if needed.
- [7] Enter the amount of money or damages you are seeking. Note the \$7,000 limitation on claims.
- [8] Read
- [9] Enter the amount of money or damages you are seeking.
- [10] Enter any other relief that you want.
- [11] Sign your name and file the complaint with the clerk of the justice court.

#### Line Entries for Summons

- [3] Enter the name, address, and telephone number of the process server.

### What happens next?

- You must pay the court fees totaling \$35.00
- The clerk of the justice court will give you the original summons and a copy of the complaint and summons for service upon the defendant.
- You must have the complaint and summons served on the defendant. Take the præcipe, summons and the copies to the sheriff or levying officer for service upon the defendant. The clerk of the justice court will provide you with a list of licensed levying officers. The original Summons must be filed with the court before the hearing date.
- You may request the clerk of court to enter a default judgment against the defendant if an answer is not filed within 20 days of service. Complete the form for default judgment and present it to the clerk of the justice court.
- You must attend the trial. The hearing date, time, and location will be set after the defendant files an answer to the complaint. Be sure to bring along any witnesses, books, papers, or other evidence which will help you prove your claim to the court.
- Upon the entering of a judgment prepare the form for entry of judgment and file it with the clerk of the justice court and send a copy to the defendant.
- You must pay a \$10.00 judgment fee on a judgments rendered in your favor after a trial. There is no judgment fee for a default judgment.
- Upon filing the notice of appeal you must pay a fee of \$10. Failure to file the appeal bond within 10 days of filing the notice of appeal shall result in the dismissal of the appeal.

**INSTRUCTIONS FOR COMPLETING FORMS:**  
**Motion for Default & Default Judgment, Notice of Entry of Judgment,**  
**Writ of Execution, and Præcipe**

Please print neatly. If your form is not legible or incomplete the clerk of the justice court will not accept it for filing.

All entries of the document must be completed before your can be filed with the justice court. Please read the instruction for each entry. Then fill in the correct information for that entry.

**Line Entries for all Forms**

- [1] Print the name, address and telephone number of the party who is suing on the lines provided. This person is called the plaintiff.
- [2] Print the name, address and telephone number of the party who is being sued on the lines provided. This person is called the defendant.

**Line Entries Motion for Default & Judgment**

- [3] Enter the date
- [4] Sign the motion where indicated.
- [5] Principal Sum. Enter the amount of money or damages you requested. You can not receive a judgment for more than you asked for in the complaint.
- [6] Interest accrued to date of judgment. Enter the amount of interest that accrued after the filing of the complaint.
- [7] Enter other amounts to be included in the judgment by the court.
- [8] Enter credits or payments on the judgment
- [9] Enter the total amount due after credits and payments.

**Line Entries for Writ of Execution**

- [3] Enter the date of the judgment.
- [4] Enter the amount of the original judgment or balance due.
- [5] Enter the amount of accrued interest.
- [6] Enter the amount of costs and disbursements accrued.

- [7] Enter all payments and credits made on the judgment.
- [8] Enter the total amount due and owing after credits.
- [9] Describe the property to be executed upon by the sheriff or levying officer.
- [10] Date and sign the affidavit and request for execution.

**Line Entries for the Præcipe**

- [3] Indicate who will make the service of the document. Check the name of the sheriff or check and enter the name of the levying officer.
- [4] Check the box describing the document to be served.
- [5] Check the defendant box if defendant(s) are to be served. If another party is to be served, i.e. business, or corporation check the blank line and enter the name of the party to be served.
- [6] Enter the address for service upon the defendant(s) or party in the space provided. If the defendant(s) are to be served at the address that shown on line 2(a) or 2(b) enter "see address above".
- [7] If a writ of restitution, possession or execution describe the property to be returned or executed upon, i.e. house at XYZ Street, bank account, or wages.
- [8] Date the præcipe
- [9] Sign the præcipe

**IT IS YOUR RESPONSIBILITY TO SEE THAT THE DOCUMENTS ARE SERVED UPON THE DEFENDANT OR PARTY. THE COURT DOES NOT DO THIS FOR YOU. TAKE THE PRÆCIPE TO THE SHERIFF OR LEVYING OFFICER TOGETHER WITH THE DOCUMENTS TO BE SERVED.**